

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH GRAY,

Plaintiff,

v.

FLEMING, *et al.*,

Defendants.

Case No. 22-11750

F. Kay Behm

United States District Judge

Kimberly G. Altman

United States Magistrate Judge

**OPINION AND ORDER ACCEPTING AND ADOPTING
THE MAGISTRATE JUDGE'S OCTOBER 11, 2023
REPORT AND RECOMMENDATION (ECF No. 28)**

Currently before the Court is Magistrate Judge Kimberly G. Altman's October 11, 2023 Report and Recommendation. (ECF No. 28). Magistrate Judge Altman recommends granting the pending motion to dismiss, and dismissing the claims against Defendant Fleming with prejudice. Judge Altman also recommends granting the motion for summary judgment based on failure to exhaust administrative remedies and dismissing the claims against Defendant Salinas without prejudice. The court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich.

Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with the Magistrate Judge's recommended disposition. Therefore, the court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 28), **GRANTS** the motion for summary judgment and **DISMISSES** the claim against Defendant Salinas **without prejudice**, and **GRANTS** the motion to dismiss and **DISMISSES** the claims against Defendant Fleming **with prejudice**.

SO ORDERED.

Date: November 3, 2023

s/F. Kay Behm

F. Kay Behm

United States District Judge